

Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer

DATE: October 20, 2015

SUBJECT: Fiscal Impact Statement – Public Access to Body-Worn Camera Video Amendment Act of 2015

REFERENCE: B21-356 introduced on September 21, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

The Metropolitan Police Department uses 400 body-worn cameras to record police interactions with the public, and may soon increase the number of cameras to 2,800. The video footage from the body-worn cameras is subject to the same regulations that govern Freedom of Information Act (FOIA) requests on all other government documents. However, MPD cannot always meet the FOIA requests on the body-worn camera footage because of the technological challenges of redacting private information on video footage, the lack of consensus or standards on what constitutes private information in a video,¹ and the high cost of redacting videos.

This bill establishes² procedures for public access to MPD's body-worn camera videos. The public can request access to footage by identifying the location, the date, and the approximate time of a recorded police interaction. MPD will have 45 business days to determine whether it can release the requested video to the public. MPD can take an additional 30 days to respond to the request if the request is large, or if MPD needs to consult or work with a vendor to redact private information from the video.

¹ See, for example, the recent discussion published in the Governing Magazine, available at <http://www.governing.com/topics/public-justice-safety/gov-body-cameras-chesapeake-virginia.html>.

² The bill amends Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

The bill exempts the following types of videos from FOIA requests:

- Video footage filmed in a personal residence;
- Video footage that captures an incident of domestic violence, stalking, sexual assault, or assault; and,
- Video footage that contains an individual's name, home address, personal health information, or other personally identifiable information.

At present, MPD can request payment for FOIA requests (documents or video) unless the requestor is a media organization or an educational organization. The bill establishes a Body-Worn Camera Fund to hold the FOIA fees for video requests, which MPD will then use to pay a vendor to redact the video footage.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Before releasing body-worn camera footage to the public, MPD must review and, if necessary, redact footage. MPD plans to contract with an outside vendor to redact private information from videos and establish an internal unit for reviewing the videos before releasing to the public. Assuming that FOIA requests account for about 3 percent of all footage in a year, MPD will spend approximately \$2 million to redact the videos and approximately \$525,000 to pay for eight FTEs who will staff its review unit. The table below details the cost estimate and the underlying assumptions.

The Mayor introduced a supplemental budget request³ on September 15, 2015, which funds the bill in fiscal year 2016. The out-year costs of the body-worn camera program must be included in the baseline expenditures during the FY 2017 budget formulation process if the program is to continue. The current financial plan has sufficient capacity after the implementation of the September 2015 tax triggers to account for out-year costs.

Fiscal Impact of the "Public Access to Body-Worn Camera Video Amendment Act of 2015"					
	FY 2016	FY 2017	FY 2018	FY 2019	Four Year total
Annual total payments to redaction vendor (\$250 for each video) ^{b, c}	\$2,016,000	\$2,016,000	\$2,016,000	\$2,016,000	\$8,064,000
Salary and Benefits ^{a, d}	\$526,439	\$542,232	\$558,499	\$575,254	\$2,202,424
Total	\$2,542,439	\$2,558,232	\$2,574,499	\$2,591,254	\$10,266,424

Table Notes

^a. The number of hours worked by each Full Time Employee is equal to 1,920. With 7.0 Full Time Employees reviewing videos, this would be 13,440 hours worked in a year reviewing videos.

^b. The estimate assumes that on average 12.5 minutes of video requires 1 hour and 40 minutes of reviewing for quality assurance, resulting in 8,064 videos that can be reviewed annually given Full Time Employee workload limitations. This amount of video is approximately 3 percent of the total number of videos recorded by 2,800 body-worn cameras in a fiscal year.

³ The Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Emergency Adjustment Act of 2015.

The Honorable Phil Mendelson

FIS: B21-356 "Public Access to Body-Worn Camera Video Amendment Act of 2015," introduced on September 21, 2015

^c. Assumes that the Metropolitan Police Department provides an advance payment of \$250 for each video redacted by a contract vendor based on restrictions under current law.⁴

^d. Includes one grade level 13 Freedom of Information Act Specialist Supervisor (salary of \$89,079); seven grade level 11 Freedom of Information Act Specialists (salary of \$62,480 for each); and a three percent cost of living adjustment annually.

⁴ D.C. Official Code § 2-532 (b-3) - No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$250.